

House File 222 - Enrolled

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HOUSE FILE 222

AN ACT

RELATING TO THE NONPARTISAN ELECTION OF TOWNSHIP OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 39.21, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Township officers as provided in section 39.22, subsection 2.

Sec. 2. Section 39.22, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the registered voters who are eligible to vote for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of those voting on the question, the election of the township officers shall commence with the next ~~primary and general elections~~ election. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon receipt of a petition signed by eligible electors residing in the township equal in number to at least ten percent of the registered voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, and two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

Sec. 3. Section 39.22, subsection 2, Code 2005, is amended to read as follows:

2. BY ELECTION. If the county board of supervisors does not have the power provided under subsection 1 to fill the offices of trustee and clerk within a township by appointment, then the offices of township trustee and township clerk shall be filled by election on a nonpartisan basis. Township trustees and the township clerk, in townships which do not include a city, shall be elected by the voters of the entire township. In townships which include a city, the officers shall be elected by the voters of the township who reside outside the corporate limits of the city, but a township officer may be a resident of the city.

a. TOWNSHIP OFFICERS. The election of township officers shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections and shall be filed with the county commissioner of elections. A plurality is sufficient to elect the township officers.

~~a.~~ b. TOWNSHIP TRUSTEES. Township trustees shall be elected biennially to succeed those whose terms of office expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each elected township trustee is four years, except as provided in subsection 1 for initial terms following restoration of the election process.

~~b.~~ c. TOWNSHIP CLERK. At the general election held in the year 1990 and every four years thereafter, in each civil township one township clerk shall be elected who shall hold office for the term of four years.

Sec. 4. Section 43.26, Code 2005, is amended to read as follows:

43.26 BALLOT == FORM.

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

PRIMARY ELECTION BALLOT
(Name of Party) of
County of
....., State of Iowa,
... Rotation (if any).

3 6 Primary election held on
 3 7 the ... day of June,(year)
 3 8 FOR UNITED STATES SENATOR
 3 9 (Vote for no more than one.)
 3 10 _____ CANDIDATE'S NAME
 3 11 _____ CANDIDATE'S NAME
 3 12 _____
 3 13 FOR UNITED STATES
 3 14 REPRESENTATIVE
 3 15 (Vote for no more than one.)
 3 16 _____ CANDIDATE'S NAME
 3 17 _____ CANDIDATE'S NAME
 3 18 _____
 3 19 FOR GOVERNOR
 3 20 (Vote for no more than one.)
 3 21 _____ CANDIDATE'S NAME
 3 22 _____ CANDIDATE'S NAME
 3 23 _____
 3 24 (Followed by other elective state officers in the order in
 3 25 which they appear in section 39.9 and district officers in the
 3 26 order in which they appear in sections 39.15 and 39.16.)

3 27 FOR BOARD OF SUPERVISORS
 3 28 (Vote for no more than two.)
 3 29 _____ CANDIDATE'S NAME
 3 30 _____ CANDIDATE'S NAME
 3 31 _____
 3 32 _____
 3 33 FOR COUNTY AUDITOR
 3 34 (Vote for no more than one.)
 3 35 _____ CANDIDATE'S NAME
 4 1 _____ CANDIDATE'S NAME
 4 2 _____
 4 3 (Followed by other elective county officers in the order in
 4 4 which they appear in section 39.17.)

4 5 ~~FOR TOWNSHIP CLERK~~
 4 6 ~~(Vote for no more than one.)~~
 4 7 ~~_____ CANDIDATE'S NAME~~
 4 8 ~~_____ CANDIDATE'S NAME~~
 4 9 ~~_____~~
 4 10 ~~_____~~
 4 11 ~~FOR TOWNSHIP TRUSTEES~~
 4 12 ~~(Vote for no more than two.)~~
 4 13 ~~_____ CANDIDATE'S NAME~~
 4 14 ~~_____ CANDIDATE'S NAME~~
 4 15 ~~_____ CANDIDATE'S NAME~~
 4 16 ~~_____~~
 4 17 ~~_____~~

4 17 Sec. 5. Section 43.53, Code 2005, is amended to read as
 4 18 follows:

4 19 43.53 NOMINEES FOR SUBDIVISION OFFICE == WRITE-IN
 4 20 CANDIDATES.

4 21 The nominee of each political party for any office to be
 4 22 filled by the voters of any ~~township or other~~ political
 4 23 subdivision within the county shall be the person receiving
 4 24 the highest number of votes cast in the primary election by
 4 25 the voters of that party for the office. That person shall
 4 26 appear as the party's candidate for the office on the general
 4 27 election ballot. A person whose name is not printed on the
 4 28 official primary ballot shall not be declared nominated as a
 4 29 candidate for such office in the general election unless that
 4 30 person receives at least five votes. Nomination of a
 4 31 candidate for the office of county supervisor elected from a
 4 32 district within the county shall be governed by section 43.52
 4 33 and not by this section.

4 34 Sec. 6. Section 43.67, unnumbered paragraph 1, Code 2005,
 4 35 is amended to read as follows:

5 1 Each candidate nominated pursuant to section 43.52 or 43.65
 5 2 is entitled to have the candidate's name printed on the
 5 3 official ballot to be voted at the general election without
 5 4 other certificate unless the candidate was nominated by write=
 5 5 in votes. Immediately after the completion of the canvass
 5 6 held under section 43.49, the county auditor shall notify each
 5 7 person who was nominated by write-in votes for a county ~~or~~
 5 8 ~~township~~ office that the person is required to file an
 5 9 affidavit of candidacy if the person wishes to be a candidate
 5 10 for that office at the general election. Immediately after
 5 11 the completion of the canvass held under section 43.63, the
 5 12 secretary of state shall notify each person who was nominated
 5 13 by write-in votes for a state or federal office that the
 5 14 person is required to file an affidavit of candidacy if the
 5 15 person wishes to be a candidate for that office at the general
 5 16 election. If the affidavit is not filed by five p.m. on the

5 17 seventh day after the completion of the canvass, that person's
5 18 name shall not be placed upon the official general election
5 19 ballot. The affidavit shall be signed by the candidate,
5 20 notarized, and filed with the county auditor or the secretary
5 21 of state, whichever is applicable.

5 22 Sec. 7. Section 49.30, subsection 1, Code 2005, is amended
5 23 to read as follows:

5 24 1. Where special paper ballots are used, if it is not
5 25 possible to include all offices and public measures on a
5 26 single ballot, separate ballots may be provided for ~~township~~
5 27 ~~offices, nonpartisan offices, judges, or public measures.~~

5 28 Sec. 8. Section 49.30, subsection 2, paragraph a, Code
5 29 2005, is amended to read as follows:

5 30 a. If it is impossible to place the names of all
5 31 candidates on the machine ballot, the commissioner may provide
5 32 a separate paper ballot for the candidates for judge of the
5 33 district court, ~~the township offices,~~ and the nonpartisan
5 34 offices listed in section 39.21. One of the paper ballots
5 35 shall be furnished to each registered voter.

6 1 Sec. 9. Section 49.37, subsection 3, Code 2005, is
6 2 amended to read as follows:

6 3 3. The commissioner shall arrange the partisan county
6 4 offices on the ballot with the board of supervisors first,
6 5 followed by the other county offices ~~and township offices~~ in
6 6 the same sequence in which they appear in ~~sections~~ section
6 7 ~~39.17 and 39.22.~~ Nonpartisan offices shall be listed after
6 8 partisan offices.

6 9 Sec. 10. Section 43.21, Code 2005, is repealed.

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CHRISTOPHER C. RANTS
6 14 Speaker of the House
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JOHN P. KIBBIE
6 18 President of the Senate
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6 21 I hereby certify that this bill originated in the House and
6 22 is known as House File 222, Eighty-first General Assembly.
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MARGARET THOMSON
6 26 Chief Clerk of the House
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6 28 Approved _____, 2005
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THOMAS J. VILSACK
6 33 Governor